

MAR. 15. 2006 3:06PM FOLEY 8587926773

FORM PTO-1449

## LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Fluorescence Energy Transfer and Intramolecular Energy Transfer in Particles Using Novel Compounds

NO. 4514 ATTY. DOCKET NO. 211/252	P. 5 SERIAL NO. Not Yet Assigned
<b>APPLICANT:</b> Buechler, Kenneth F., et al.	
FILING DATE: March 23, 1995	GROUP: Not Yet Assigned

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	5	3	2	6	6	9	2	07/06/84	Brinkley, et al.	435	6	05/13/82	
	AB	4	1	6	6	1	0	5	08/28/79	Hirschfeld	424	8	12/20/74	
	AC	4	1	9	9	5	5	9	04/22/80	Ulman et al	424	.8	02/07/77	
	AD	4	7	7	7	1	2	8	10/11/88	Lippa	435	5	05/27/86	
	AE	5	1	5	4	8	8	7	10/13/92	Babb	422	66	05/28/91	
	AF	5	1	5	7	4	1	2	10/20/92	Kleinschmidt et al	346	1.1	05/22/90	
	AG	5	1	9	4	3	9	3	03/16/93	Hugl et al	436	525	11/08/90	
	AH	5	1	2	3	7	3	1	06/23/82	Yoshinaga et al	356	73	05/13/81	
	AI	5	1	1	6	9	8	9	05/26/82	Hale et al	546	265	05/30/89	
	AJ	5	0	5	5	4	1	4	10/08/81	Babb et al	436	501	07/05/88	
	AK	4	6	6	6	8	6	2	05/19/87	Chan	436	501	08/14/84	
	AL	4	5	4	2	1	0	4	09/17/85	Stryer et al	436	536	04/06/83	
	AM	3	9	9	6	3	4	5	12/07/76	Ulman et al	424	12	06/30/75	
	AN	5	1	3	2	2	0	6	07/21/92	Dreyer	435	6	10/20/88	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION
		YES	NO											
	AO	0	0	7	6	6	9	5	13-04-83	EPA (Stryer et al.)	33	58		
	AP	0	0	7	5	9	8	2	08-04-83	EPA (Baroncelli et al.)	33	58		
	AQ	0	4	0	7	1	8	8	09-01-91	EPA (Bosley et al)	33	58		
	AR	8	3	2	3	4	9	2	11-25-83	WO/PCT 83/23492 (Brinkley)				
	AS	8	8	0	4	7	7	7	06-30-88	WO/PCT 88/04777 (Starion)				
	AT	0	5	9	7	3	8	9	16-05-94	EPA (Tai et al.)				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AU	Pekcan, O. et al, "Direct Energy Transfer Studies on Doped and Labelled Polymer Latex Particles" <u>Physical Review Letters</u> 61:641-644 (Aug. 1, 1988)
AV	Stryer, Lubert, "Fluorescent Energy Transfer As A Spectroscopic Ruler" <u>Ann. Rev. Biochem.</u> 47:819-846 (1978)
AW	Molecular Probes Ad entitled "Novel Fluorescent Latex Microspheres - Tranfluospheres A Breakthrough in Latex Microsphere Technology (1994)"
AX	Wheeler, B.L. et al., "A Silicon Phthalocyanine and a Silicon Naphthalocyanine: Synthesis, Electrochemistry, and Electrogenenerated Chemiluminescence," <u>J. Am. chem. Soc.</u> 106:7404-7410 (1984)

EXAMINER: <i>[Signature]</i>	DATE CONSIDERED: <i>3/16/06</i>
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

MAR. 15. 2006 3:07PM

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NO. 4514 P. 6

<b>FORM PTO-1449</b>		<b>ATTY. DOCKET NO.</b> (234/116) 030691.0016.CON	<b>SERIAL NO.</b> 09/066,255
<b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)		<b>APPLICANT:</b> Buechler et al.	
		<b>FILING DATE:</b> April 24, 1998	<b>GROUP:</b> 1627

<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
JK	AA	5,624,028	5/6/97	Tai et al.	435	6	11/3/93

<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO

<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>		
JK	AB	Ben-Hur, E., et al. "Phthalocyanine-Induced Photohemolysis: Structure-Activity Relationship and The Effect of Fluoride," <u>Photochemistry and Photobiology</u> 58: No. 3, 351-355 (1993)
J	AC	Kudrevich, et al. "Syntheses of Monosulfonated Phthalocyanines, Benzonaphthoporphyrazines and Porphyrins via the Meerwein Reaction," <u>Journal of The Chemical Society: Perkin Transactions 1</u> 2767-2774 (1994)
J	AD	Margaron, P. et al. "Photodynamic Properties of Naphthosulfobenzoporphyrazine Derivatives," <u>Journal of Photochemistry and Photobiology</u> 14:187-199 (1992)
J	AE	Margaron, P. et al. "Chromatographic Analysis of Asymmetric Sulphophthalocyanines Using a Diode-array Detector," <u>Journal of Chromatography</u> 634: 57-64 (1993)

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant

310264

<b>Notice of References Cited</b>		Application No. 09/066,255	Applicant(s) Buechler et al
		Examiner Maurie E. Garcia, Ph. D.	Group Art Unit 1627      Page 1 of 1

**U.S. PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,135,717	8/1992	Renzoni et al	422	61
B	4,803,170	2/1989	Stanton et al	436	518
C	4,434,236	2/1984	Freytag	436	512
D					
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**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
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**NON-PATENT DOCUMENTS**

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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~~TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND DISCARD CARBON~~

FORM PTO-892 (REV. 2-82)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. <u>08/274,534</u>	GROUP ART UNIT <u>1818</u>	ATTACHMENT TO PAPER NUMBER <u>10</u>
NOTICE OF REFERENCES CITED				APPLICANT(S) <u>Buechler et al.</u>		
U.S. PATENT DOCUMENTS						
#	DOCUMENT NO.	DATE	NAME		CLASS	SUB-CLASS
A						
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Q						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)						
<u>Yamada et al Clin Chem. 31/3 359-370 (1985)</u>						
<u>Fluorimmunoassays and Immunoassays</u> <u>Assay</u>						
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EXAMINER-SR.	DATE	<u>3/16/88</u>				
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ATTY. DULK NO. 4514 P. 9  
219/099 JUR. NO.  
08/620,597

## LIST OF PATENTS AND OTHER DOCUMENTS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

11111 U.S. PTO



11/18/96

APPLICANT:  
Kenneth F. Buechler et al.FILING DATE:  
March 22, 1996

GROUP:

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER								DATE	NAME	CLASS	SUB CLASS	FILING DATE
AA	5	3	2	6	6	9	2	03/07/84	Brinley et al.	435	6	05/13/92	
AB	4	1	6	6	1	0	5	08/28/79	Hirschfeld	424	8	12/20/74	
AC	4	1	9	9	5	5	9	04/22/80	Ullman et al.	424	8	02/07/77	
AD	4	7	7	7	1	2	8	10/11/88	Uppa	435	5	05/22/86	
AE	5	1	3	4	8	8	7	10/13/92	Babb	422	56	05/28/91	
AF	5	1	3	7	4	1	2	10/20/92	Kleinschmidt et al.	446	1,1	05/22/90	
AG	5	1	9	4	3	9	3	03/16/93	Hugh et al.	436	525	11/08/90	
AH	5	1	2	3	7	3	1	06/23/92	Yoshinaga et al.	356	73	05/13/91	
AI	5	1	1	6	9	8	9	05/26/92	Hale et al.	546	265	05/30/89	
AJ	6	0	5	5	4	1	4	10/08/91	Babb et al.	436	501	07/05/88	
AK	4	6	6	6	8	6	2	05/19/88	Chan	436	501	08/14/84	
AL	4	5	4	2	1	0	4	09/17/85	Stryer et al.	436	536	04/06/83	
AM	3	9	9	6	3	4	5	12/07/78	Ullman et al.	424	12	06/30/75	
AN	3	1	3	2	2	0	6	07/21/92	Dreyer	435	6	10/20/88	
AO	5	0	8	9	3	9	1	02/18/92	Buechler et al.	435	7-1		
AP	4	1	9	9	3	6	3	04/22/80	Chen	430	512		
AQ	4	4	7	6	2	2	9	10/09/84	Fino et al.	436	502		
AR	4	3	6	8	2	5	8	01/11/83	Fujiwhara et al.	430	493		
AS	5	2	4	8	7	8	2	09/28/93	Haughland et al.	548	110		
AT	5	2	7	4	1	1	3	12/28/93	Kang et al.	548	4025		
AU	5	1	8	7	2	8	8	02/16/93	Kang et al.	548	110		
AV	4	5	1	0	2	5	1	04/09/85	Kirkemo et al.	428	4023		
AW	4	3	2	6	0	0	8	04/20/82	Rembaum	428	4023		
AX	4	6	0	9	6	8	9	09/02/86	Schwartz et al.	523	202		
AY	4	4	2	0	5	6	8	12/13/83	Wang et al.	436	536		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
				33		YES	NO
AA	5 6 7 6 9 5	13/04/85	EPO	33	58		
BA	0 7 5 9 8 2	06/04/83	EPO	33	58		
BB	0 4 0 7 1 8 8	09/01/91	EPO	33	58		
BC	9 3 2 3 4 9 2	25/11/93	WO/PCT				

DATE CONSIDERED: 3/15/06

05/20/91

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Information Disclosure Statement - Section 9 PTO-1449

Page

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219/099 08/620,597

## LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

11111 (Use several sheets if necessary)



11/18/96

APPLICANT:  
Kenneth F. Buechler et al.FILING DATE:  
March 22, 1996

GROUP:

<i>JK</i>	<i>Pg</i>	BD		8	8	0	4	7	7	30.06.88	WO/PCT (Stanton et al.)	—	—	
	<i>BK</i>	BE	0	2	8	5	9	6	5	12.10.88	EPO (Albert et al.)	—	—	
	<i>JK</i>	BF	9	5	0	8	7	7	2	30.03.95	WO/PCT (Buechler et al.)	—	—	
	<i>BK</i>	BG	9	1	1	8	0	0	7	28.11.91	WO/PCT (Dandliker et al.)	—	—	
	<i>BK</i>	BH	9	3	1	9	3	6	6	30.09.93	WO/PCT (Devlin et al.)	—	—	
	<i>BK</i>	BI	0	5	9	7	3	8	9	18.05.94	EPO (Tai et al.)	—	—	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>JK</i>	<i>Bj</i>	Cerfontain and Kort, "Electrophilic Aromatic Sulfonation with Acidic Sulfonating Reagent," <u>Int. J. Sulfur Chem.</u> C6:123-136 (1971)
	<i>BK</i>	Cerfontain and Kort, <u>Mechanistic Aspects in Aromatic Sulfonation and Desulfonation</u> , Interscience, New York, pp. 2-5, 68-79 and 121-126 (1968)
	<i>BL</i>	Cook et al., "Octa-alkoxy Phthalocyanine and Naphthalocyanine Derivatives: Dyes with Q-Band Absorption in the Far Red or Near Infrared," <u>J. Chem. Soc. Perkin Trans. I</u> pp. 2453-2458 (1986)
	<i>BM</i>	Eldred and Young, "Dichlorofumaric Acid," <u>J. Am. Chem. Soc.</u> 75:4338-4339 (1953)
	<i>BN</i>	Förster, "Zwischenmolekulare Energiewanderung und Fluoreszenz," <u>Ann. Physik</u> 2:55-75 (1948)
	<i>BO</i>	Gilbert, <u>Sulfonation and Related Reactions</u> , Interscience, New York, pp. 102-103, 306-307 and 339-383 (1965)
	<i>BP</i>	Gregoriadis (editor), <u>Liposome Technology</u> , Volume III, CRC Press Inc., pg. 19 (1984)
	<i>BQ</i>	Haughland et al., "Dependence of the Kinetics of Singlet-Singlet Energy Transfer on Spectral Overlap," <u>Proc. Natl. Acad. Sci. USA</u> 63:23-30 (1969)
	<i>BR</i>	Haughland, "Potential Sensitive Probes," <u>Handbook of Fluorescent Probes and Research Chemicals</u> , 5th edition, Molecular Probes, Inc., pp. 156-158 (1992-1994)
	<i>BS</i>	Hemmilä, <u>Applications of fluorescence in immunoassays</u> , John Wiley & Sons, Inc., pp. 131-135 (1991)
	<i>BT</i>	Ikeda et al., "Synthesis of Non-Symmetrically Benzo-Substituted Phthalocyanines and Their Electronic Spectra," <u>Chemistry Letters</u> pp. 763-766 (1992)
	<i>BU</i>	Kirby and Gregoriadis, "Ch. 2 - A Simple Procedure For Preparing Liposomes Capable of High Encapsulation Efficiency Under Mild Conditions," <u>Liposome Technology</u> , Volume I, Gregoriadis editor, CRC Press Inc., pp. 20-26 (1984)
	<i>BV</i>	Kobayashi et al., "Synthesis, Spectroscopy, Electrochemistry and Spectroelectrochemistry of a Zinc Phthalocyanine with D <sub>2h</sub> Symmetry," <u>Chemistry Letters</u> pp. 2031-2034 (1992)
	<i>BW</i>	Kobayashi et al., "Benzene or Naphthalene Ring-fused Mono-Substituted Type Tetraazaoctaphenylporphyrin Zinc Complexes," <u>Chemistry Letters</u> pp. 1567-1570 (1992)
	<i>BX</i>	Kobayashi et al., "New Route to Unsymmetrical Phthalocyanine Analogues by the Use of Structurally Distorted Subphthalocyanines," <u>J. Am. Chem. Soc.</u> 112:9640-9641 (1990)
	<i>BY</i>	Kobayashi et al., "Phthalocyanines of a Novel Structure: Dinaphthotetraazaporphyrins with D <sub>2h</sub> Symmetry," <u>Inorg. Chem.</u> 33:1735-1740 (1994)
	<i>BZ</i>	Konami et al., "Electronic spectra of benzo-substituted phthalocyanines," <u>Molecular Physics</u> 80:153-160 (1993)

3/18/06

EXAMINER: *R. L. GANDA*DATE CONSIDERED: *06/06/97*

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Information Disclosure Statement - Section 9 PTO-1449

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FOLEY 8587926773 OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

NO. 4514

P. 11

APPLICANT:

Kenneth F. Buechler et al.

FILING DATE:

March 22, 1996

GROUP:

<i>PK</i>	CA	Mayhew et al., "Ch. 2 - Preparation of Liposomes Entrapping Cancer Chemotherapeutic Agents for Experimental In Vivo and In Vitro Studies," <u>Liposome Technology</u> , Volume II, Gregoriadis editor, CRC Press Inc., pp. 19-31 (1984)
<i>PK</i>	CB	McHugh and Gouterman, "Porphyrins XXIV. Energy, Oscillator Strength, and Zeeman Splitting Calculations (SCMO-CI) for Phthalocyanine, Prophyrins, and Related Ring Systems," <u>Theoret. Chim. Acta (Berlin)</u> 24:346-370 (1972)
<i>PK</i>	CC	Mikhailenko et al., "Phthalocyanines and Related Compounds," <u>J. Org. Chem. (USSR (English Translation))</u> 8:341-343 (1972)
<i>DUP</i>	CD	<u>Molecular Probes Ad entitled "Novel Fluorescent Latex Microspheres - Transfluospheres a Breakthrough in Latex Microsphere Technology"</u> (1994)
<i>DUP</i>	CE	Pariser et al., "A Semi-Empirical Theory of the Electronic Spectra and Electronic Structure of Complex Unsaturated Molecules. II," <u>J. Chem. Phys.</u> 21:767-776 (1953)
<i>DUP</i>	CF	Pekcan et al., "Energy Transfer Studies on Doped and Labeled Polymer Latex Particles," <u>Physical Review Letters</u> 61:641-644 (1988)
<i>DUP</i>	CG	Pople, "Electron Interaction in Unsaturated Hydrocarbons," <u>Trans. Faraday Soc.</u> 49:1375-1385 (1953)
<i>DUP</i>	CH	Stryer, "Fluorescence Energy Transfer as a Spectroscopic Ruler," <u>Annual Review of Biochemistry</u> 47:819-846 (1978)
<i>DUP</i>	CI	Van Arman et al., "General Fluorescence Assay for Enzyme-Catalyzed Polyanion Hydrolysis Based on Template-Directed Excimer Formation. Application to Heparin and Polyglutamate," <u>J. Am. Chem. Soc.</u> 112:5376-5377 (1990)
<i>DUP</i>	CJ	Wheeler et al., "A Silicon Phthalocyanine and Silicon Naphthalocyanine: Synthesis, Electrochemistry and Electrogenerated Chemiluminescence," <u>J. Am. Chem. Soc.</u> 106:7404-7410 (1984)

3/16/06

EXAMINER: <i>[Signature]</i>	DATE CONSIDERED: <i>[Signature]</i>
EXAMINER: Initial if reference is considered whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	
Information Disclosure Statement - Section 9 PTO-1449	

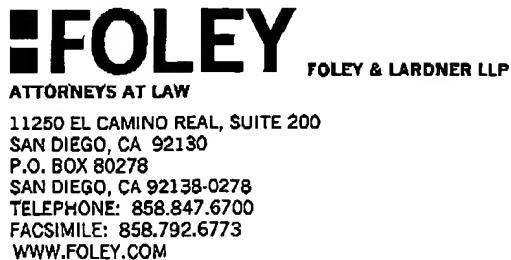
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NO. 4514 P. 12

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND DISCARD CARBON

FORM PTO-882 (REV. 2-92)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO.	GROUP ART UNIT	ATTACHMENT TO PAPER NUMBER	
				68/620597	1202		
NOTICE OF REFERENCES CITED				APPLICANT(S) BLUECHLER et al.			
U.S. PATENT DOCUMENTS							
#	DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE	
A	5484685	01/96	TAI et al. (X)	540	452	05/91	
B	5039798	08/91	JOHNSON	540	123		
C	5473928	04/95	ARRHENIUS	540	128		
D	5428152	07/95	HAYASHIDA et al.	540	126		
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R	(X) Only Abstract Claims of TAI is being furnished number patent!						
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* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05 (a).)							



## FACSIMILE TRANSMISSION

**Total of Pages 12 (including this page)**

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Commissioner for Patents Examiner: Jon Epperson Art Unit: 1639	571-272-0808	571-273-0808

**From :** Barry S. Wilson  
**Email Address :** bwilson@foley.com  
**Sender's Direct Dial :** 858.847.6722  
**Date :** March 15, 2006  
**Client/Matter No :** 071949-2404  
**User ID No :** 3067

**MESSAGE:**

Re: United States Patent Application No.: 09/776,599  
Our Reference: 071949-2404

Following are:

- 1) Copy of Information Disclosure Statement filed on December 8, 2003 (11 pages).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

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Atty. Dkt. No. 071949-2404

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Kenneth F. Buechler, et al.

Title: HYBRID PHTHALOCYANINE  
DERIVATIVES AND THEIR  
USES

Appl. No.: 09/776,599

Filing Date: 02/01/2001

Examiner: Jon D. Epperson

Art Unit: 1639

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.	
	
Germaine Sarda (Printed Name)	
	
(Signature)	
December 2, 2003 (Date of Deposit)	

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant submits herewith a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial Nos. 08/274,534, filed July 12, 1994; 08/409,298, filed 03/23/1995; 08/620,597, filed March 22, 1996 and 09/066,255, filed April 24, 1998. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to

Atty. Dkt. No. 071949-2404

antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits after the filing of a request for continued examination under §1.114.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Atty. Dkt. No. 071949-2404

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date December 2, 2003

By Barry Wilson

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